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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

ELIJAH STEWARD,

Plaintiff,

vs.

APPLIED GENETIC TECHNOLOGIES
CORPORATION, AND CHRISTINE N. KAY,
M.D,

Defendants.

Civil Action No. 3:22-cv-01623-YY

**DEFENDANT APPLIED GENETIC
TECHNOLOGIES CORPORATION'S
MOTION FOR EXTENSION OF TIME
TO FILE RESPONSIVE PLEADING**

LR 7-1 CERTIFICATE OF CONFERRAL

In compliance with LR 7-1, the undersigned counsel for Defendant Applied Genetic Technologies Corporation (“Defendant”) certifies that we conferred with counsel for Plaintiff Elijah Steward (“Plaintiff”) regarding the filing of this Motion. Plaintiff’s counsel indicated they do not oppose this Motion and would (with Court approval) stipulate to the relief Defendant requests herein. Attached to this Motion as Exhibit 1 is an email from Plaintiff’s attorney Alan Milstein approving the relief requested. Defendant has not yet ascertained the identity of counsel for co-defendant Christine N. Kay in order to confer with them regarding this Motion.

**DEFENDANT APPLIED GENETIC
TECHNOLOGIES CORPORATION'S MOTION
FOR EXTENSION OF TIME TO FILE
RESPONSIVE PLEADING - Page 1
(3:22-cv-01623-YY)**

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MOTION

Pursuant to Federal Rule of Civil Procedure 6(b) and LR 16-3, and for the reasons set forth in the below Memorandum in Support, Defendant moves the Court for a 60-day extension to answer or otherwise respond to Plaintiff's Complaint. By filing this Motion, Defendant does not waive any pre-answer motion or affirmative defenses to Plaintiff's Complaint that would otherwise be available, including without limitation, defenses provided by Federal Rule of Civil Procedure 8(c) and 12(b).

MEMORANDUM IN SUPPORT

Defendant hereby moves the Court for a 60-day extension of time to file an answer or otherwise respond to Plaintiff's Complaint. Defendant's response is currently due on December 8, 2022. This is Defendant's first request for an extension of time.

Defendant asks the Court to enter an order extending the time for it to file an answer or otherwise respond to the Complaint to (and including) February 6, 2022.

This unopposed Motion is made in good faith and not for the purpose of delay. Defense counsel requests the extension due primarily to the recent acquisition of Defendant Applied Genetic Technologies Corporation by another entity. This acquisition has resulted in several changes in key positions with Defendant, including decision makers who must participate in preparing and approving Defendant's response to the Complaint. No party is expected to be prejudiced if this motion is granted.

CONCLUSION

Based on the foregoing, Defendant respectfully requests this Honorable Court extend the deadline for Defendant Applied Genetic Technologies Corporation to file its responsive pleading until February 6, 2023.

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Dated: December 6, 2022

GORDON REES SCULLY MANSUKHANI, LLP

By: /s/ Christopher E. Hawk

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Rosanna Greenwood

From: Alan C. Milstein <AMilstein@shermansilverstein.com>
Sent: Thursday, December 1, 2022 10:51 AM
To: David Corneil
Subject: Re: Steward v. AGTC - Response Extension

Sure. You can have the extension.



Alan C. Milstein
Sherman, Silverstein, Kohl, Rose & Podolsky
308 Harper Drive
Moorestown, NJ 08057
Direct Dial 856-661-2078
Cell 215-919-1134

From: David Corneil <dcorneil@grsm.com>
Date: Thursday, December 1, 2022 at 1:31 PM
To: Alan C. Milstein <AMilstein@shermansilverstein.com>
Cc: robert@swiderhaver.com <robert@swiderhaver.com>, Christopher Hawk <chawk@grsm.com>
Subject: [External] Steward v. AGTC - Response Extension

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Mr. Milstein,

Our office has been retained to represent AGTC in the Elijah Steward case filed out here in Oregon. I reached out to Mr. Swider (and left you a message) to seek a stipulation for an extension of 60 days to file AGTC's responsive pleading (current deadline is 12/8/22). The primary reason being that AGTC was acquired by Syncona, the transaction having officially closed today. Our contact within our client's legal department also left the company effective today so we are working to get new folks up to speed. Please let us know if you are amenable to a 60 day extension for AGTC's response.

Thanks,



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